

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85492095
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (no change)	
ARGUMENT(S)	
<p>Applicant has filed a Notice of Appeal simultaneously with the filing of this Request for Reconsideration after Final Action. In the Office Action dated April 1, 2013, the Examiner rejected the application because of a likelihood of confusion with U.S. Registration No. 3801403. In addition, the examining attorney refused registration under Trademark Act Section 2(e)(1) based upon a claim that the mark is merely descriptive, that the the mark lacked acquired distinctiveness under Section 2(f) and the the specimen submitted was unverified. In Applicant's Request for Reconsideration, Applicant has requested amendment of the Application to the Supplemental Register in response to the Examiner's 2(e) and 2(f) refusals. In response to the Examiner's rejection based upon the identified goods and services, Applicant has cancelled Class A and has signed the verification to support the substitute specimen. In response, to the Examiner's Likelihood of Confusion argument under 2(d), Applicant has obtained the cited registrant's consent that the marks are not confusing and is attempting to document the consent which will be made available to the Examiner upon its completion. Since Applicant has fully responded to the Examiner's rejections, and with the exception of the Likelihood of Confusion rejection, Applicant believes it has overcome all basis for refusal of rejection. Regarding the Likelihood of Confusion rejection, Applicant believes that the consent agreement supports Applicant's position that there is no likelihood of confusion and respectfully requests that the Examiner hold its refusal in abeyance until Applicant submits a copy of the Consent Agreement.</p>	
GOODS AND/OR SERVICES SECTION (A)(class deleted)	
GOODS AND/OR SERVICES SECTION (B)(current)	
INTERNATIONAL CLASS	B
DESCRIPTION	
Business management consulting and advisory services for small and entrepreneurial businesses	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/2009
FIRST USE IN	At least as early as 10/01/2009

COMMERCE DATE	
GOODS AND/OR SERVICES SECTION (B)(proposed)	
INTERNATIONAL CLASS	B
DESCRIPTION	
Business management consulting and advisory services for small and entrepreneurial businesses	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/2009
FIRST USE IN COMMERCE DATE	At least as early as 10/01/2009
STATEMENT TYPE	"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" <i>[for an application based on Section 1(a), Use in Commerce]</i> OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" <i>[for an application based on Section 1(b) Intent-to-Use]</i> .
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU1-17447182106-191240963_.85492095_1_.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT16\IMAGEOUT16\854\920\85492095\xml11\RFR0002.JPG
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	\\TICRS\EXPORT16\IMAGEOUT16\854\920\85492095\xml11\RFR0004.JPG
SPECIMEN DESCRIPTION	Electronic copies of examples showing the mark in use in commerce.
ADDITIONAL STATEMENTS SECTION	
SUPPLEMENTAL REGISTER	The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').
NEW ATTORNEY SECTION	
NAME	Arthur Shaffer
FIRM NAME	Intellectual Property Center, LLC
INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER	4339
INTERNAL ADDRESS	Suite 1520

STREET	7101 College Boulevard
CITY	Overland Park
STATE	Kansas
ZIP/POSTAL CODE	66210
COUNTRY	United States
PHONE	816-345-0900
EMAIL	ashaffer@theipcenter.com
AUTHORIZED EMAIL COMMUNICATION	Yes
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	SMALL BUSINESS RESEARCH INSTITUTE SMALL BUSINESS RESEARCH INSTITUTE 6017 SNELL AVE # 404 SAN JOSE California (CA) US 95123-4127
NEW CORRESPONDENCE SECTION	
NAME	Arthur Shaffer
FIRM NAME	Intellectual Property Center, LLC
INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER	4339
INTERNAL ADDRESS	Suite 1520
STREET	7101 College Boulevard
CITY	Overland Park
STATE	Kansas
ZIP/POSTAL CODE	66210
COUNTRY	United States
PHONE	816-345-0900
EMAIL	ashaffer@theipcenter.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
DECLARATION	

SIGNATURE	/Arthur Shaffer/
SIGNATORY'S NAME	Arthur Shaffer
SIGNATORY'S POSITION	Attorney of record, Kansas bar member
SIGNATORY'S PHONE NUMBER	913-345-0900
DATE SIGNED	10/01/2013
RESPONSE SIGNATURE	/Arthur Shaffer/
SIGNATORY'S NAME	Arthur Shaffer
SIGNATORY'S POSITION	Attorney of record, Kansas bar Member
SIGNATORY'S PHONE NUMBER	913-345-0900
DATE SIGNED	10/01/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Oct 01 19:47:09 EDT 2013
TEAS STAMP	USPTO/RFR-174.47.182.106-20131001194709334283-85492095-50053caa6ed85adb5fc5a75213bc5a6fb9201cef17aaa8f8dacd7147661bfcff32-N/A-N/A-20131001191240963106

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **85492095** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Applicant has filed a Notice of Appeal simultaneously with the filing of this Request for Reconsideration after Final Action. In the Office Action dated April 1, 2013, the Examiner rejected the application because of a likelihood of confusion with U.S. Registration No. 3801403. In addition, the examining attorney refused registration under Trademark Act Section 2(e)(1) based upon a claim that the mark is merely descriptive, that the the mark lacked acquired distinctiveness under Section 2(f) and the the specimen submitted was unverified. In Applicant's Request for Reconsideration, Applicant has requested amendment of the Application to the Supplemental Register in response to the Examiner's 2(e) and 2(f) refusals. In response to the Examiner's rejection based upon the identified goods and services, Applicant has cancelled Class A and has signed the verification to support the substitute specimen. In response, to the Examiner's Likelihood of Confusion argument under 2(d), Applicant has obtained the cited registrant's consent that the marks are not confusing and is attempting to document the consent which will be made available to the Examiner upon its completion. Since Applicant has fully responded to the Examiner's rejections, and with the exception of the Likelihood of Confusion rejection, Applicant believes it has overcome all basis for refusal of rejection. Regarding the Likelihood of Confusion rejection, Applicant believes that the consent agreement supports Applicant's position that there is no likelihood of confusion and respectfully requests that the Examiner hold its refusal in abeyance until Applicant submits a copy of the Consent Agreement.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant hereby deletes the following class of goods/services from the application.

Class A for Accreditation mark indicating that the user has met the standards of education and practicum, and followed the standardized procedures for certification as a professional in the field of business management consulting and advisory services for small and entrepreneurial businesses

Applicant proposes to amend the following class of goods/services in the application:

Current: Class B for Business management consulting and advisory services for small and entrepreneurial businesses

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 06/01/2009 and first used in commerce at least as early as 10/01/2009, and is now in use in such commerce.

Proposed: Class B for Business management consulting and advisory services for small and entrepreneurial businesses

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 06/01/2009 and first used in commerce at least as early as 10/01/2009, and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class B. The specimen(s) submitted consists of Electronic copies of examples showing the mark in use in commerce..

"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"*[for an application based on Section 1(a), Use in Commerce]* OR **"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"**

[for an application based on Section 1(b) Intent-to-Use].

Original PDF file:

[SPU1-17447182106-191240963_.85492095_1_.pdf](#)

Converted PDF file(s) (3 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

ATTORNEY ADDRESS

Applicant proposes to amend the following:

Proposed:

Arthur Shaffer of Intellectual Property Center, LLC, having an address of
Suite 1520 7101 College Boulevard Overland Park, Kansas 66210

United States

ashaffer@theipcenter.com

816-345-0900

The attorney docket/reference number is 4339.

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

SMALL BUSINESS RESEARCH INSTITUTE

SMALL BUSINESS RESEARCH INSTITUTE

6017 SNELL AVE # 404

SAN JOSE

California (CA)

US

95123-4127

Proposed:

Arthur Shaffer of Intellectual Property Center, LLC, having an address of
Suite 1520 7101 College Boulevard Overland Park, Kansas 66210

United States

ashaffer@theipcenter.com

816-345-0900

The attorney docket/reference number is 4339.

ADDITIONAL STATEMENTS

Supplemental Register

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has

had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Arthur Shaffer/ Date: 10/01/2013
Signatory's Name: Arthur Shaffer
Signatory's Position: Attorney of record, Kansas bar member
Signatory's Phone Number: 913-345-0900

Request for Reconsideration Signature

Signature: /Arthur Shaffer/ Date: 10/01/2013
Signatory's Name: Arthur Shaffer
Signatory's Position: Attorney of record, Kansas bar Member

Signatory's Phone Number: 913-345-0900

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: Arthur Shaffer
Intellectual Property Center, LLC
Suite 1520
7101 College Boulevard
Overland Park, Kansas 66210

Serial Number: 85492095

Internet Transmission Date: Tue Oct 01 19:47:09 EDT 2013

TEAS Stamp: USPTO/RFR-174.47.182.106-201310011947093

34283-85492095-50053caa6ed85adb5fc5a7521

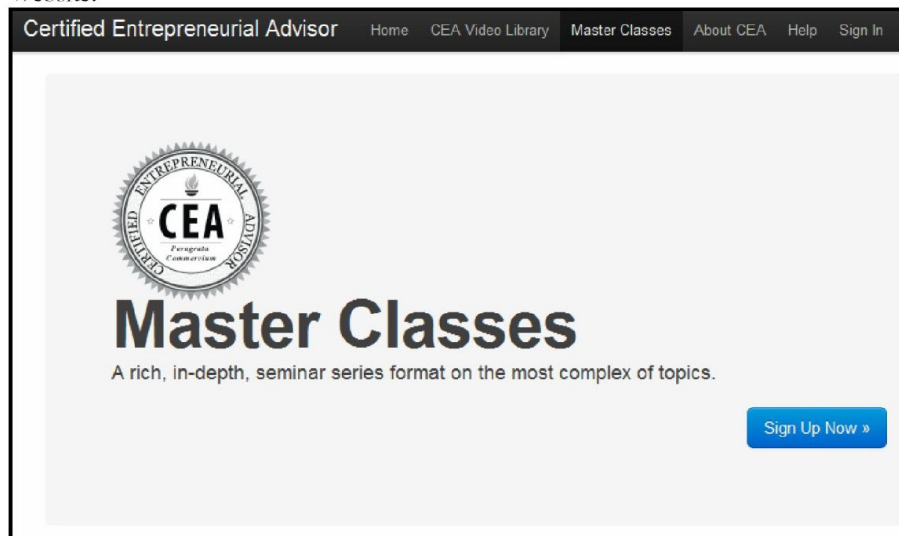
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2-N/A-N/A-20131001191240963106

Application Serial Number 85492095
By the Small Business Research Institute
To Register “Certified Entrepreneurial Advisor” As a Trademark
Exhibit B

Examples of use of Trademark in Commerce:


Website:



Application Serial Number 85492095
By the Small Business Research Institute
To Register “Certified Entrepreneurial Advisor” As a Trademark
Exhibit B

Examples of use of Trademark in Commerce:

[Certified Entrepreneurial Advisor](#) [Home](#) [CEA Video Library](#) [Master Classes](#) [About CEA](#) [Help](#) [Sign In](#)



About CEA

Designed to be more practical, timely, relevant and useful than an MBA

[Sign Up Now »](#)

Gain valuable skills, tactics, tools and strategies.

CEA IS THE CERTIFIED ENTREPRENEURIAL PROGRAM SPONSORED BY THE SMALL BUSINESS RESEARCH INSTITUTE IN SAN JOSE, CALIFORNIA

What

We're at the center of the "Entrepreneurial Class" of society. The CEA program is designed to empower those who advise small business owners and managers. It consists of a graduate level practical education in how to start, manage and grow a small business. Completion of the twelve subject areas equips graduates with powerful, practical tools, techniques and strategies for small business success.

Why

Small businesses represent the backbone of the world's economy, yet only a small fraction of a professional advisors' education touches on the real issues that are critical to small business success. College programs at both the graduate and undergraduate level are focused on issues which are largely relevant to large-scale businesses. Most "entrepreneurial" educational programs are targeted at the businesses aiming to one day become publicly traded.

There is a virtual vacuum of educational training addressing the practical issues most small businesses face and the people who advise them.

The CEA program takes an advisory level role to address this critical growing need. Graduates of the CEA program have practical skills and know the tools, techniques, tactics and strategies that allow small businesses to survive and prosper in any economy.

How



Traditional educational models are fatally flawed.

They often make the learning process a grueling endurance contest. Graduates are those who can put in the time, memorize and regurgitate the material or navigate through annoying irrelevant group projects. We recognize a better way.

The CEA curriculum is designed by successful small business owners, acclaimed educators and experienced professionals. It was forged from their experience and successes and tempered by their problems, roadblocks and setbacks.

Application Serial Number 85492095
By the Small Business Research Institute
To Register "Certified Entrepreneurial Advisor" As a Trademark
Exhibit B

Examples of use of Trademark in Commerce: Print out of first Slides as part of one course:

<p>Entrepreneurs Introduction</p> 	<p>The CEA Curriculum</p> <p>Certified Entrepreneurial Advisor Program</p> <p>Provides tools and techniques Help small businesses succeed and thrive Like an MBA in small business operations Administered by the Small Business Research Institute</p> <ul style="list-style-type: none">• A non profit educational corporation• Accredited by the National Accreditation Standards Foundation												
<p>The CEA Curriculum 12 Modules Covering Essential Business Skills</p> <table border="1"><tr><td>Entrepreneurial Life</td><td>Taxation and Regulation</td></tr><tr><td>Business Planning</td><td>Finance & Treasury</td></tr><tr><td>Business Processes</td><td>Personnel & HR</td></tr><tr><td>Accounting</td><td>Management & Leadership</td></tr><tr><td>Technology</td><td>Business Law</td></tr><tr><td>Marketing & Sales</td><td>Risk Management</td></tr></table> <p>The Certified Entrepreneurial Advisor Education Program</p>	Entrepreneurial Life	Taxation and Regulation	Business Planning	Finance & Treasury	Business Processes	Personnel & HR	Accounting	Management & Leadership	Technology	Business Law	Marketing & Sales	Risk Management	<p>Entrepreneurs Introduction</p>  <p>Our Audience: Advisors to Entrepreneurs and Small Businesses</p> <p>Our Objective: Help you provide extraordinary value to your clients.</p> <p>You'll Learn: What distinguishes an Entrepreneur The special needs and issues Entrepreneurs face How to advise prospective Entrepreneurs</p> <p>Course Level: Introductory, core</p> <p>The Certified Entrepreneurial Advisor Education Program</p>
Entrepreneurial Life	Taxation and Regulation												
Business Planning	Finance & Treasury												
Business Processes	Personnel & HR												
Accounting	Management & Leadership												
Technology	Business Law												
Marketing & Sales	Risk Management												